

**Reprint
as at 1 January 2018**

Judicature Amendment Act 1998

Public Act 1998 No 52
Date of assent 3 June 1998

Judicature Amendment Act 1998: repealed, on 1 January 2018, pursuant to section 182 of the Senior Courts Act 2016 (2016 No 48).

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An Act to amend the Judicature Act 1908

BE IT ENACTED by the Parliament of New Zealand as follows:

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered by the Ministry of Justice.

1 Short Title and commencement

- (1) This Act may be cited as the Judicature Amendment Act 1998, and is part of the Judicature Act 1908 (“the principal Act”).
- (2) This section and sections 2, 3, and 8 come into force on the day after the date on which this Act receives the Royal assent.
- (3) The rest of this Act comes into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made appointing different dates for different provisions.

2 Superannuation or retiring allowances of Masters

This section substituted s 26G of the principal Act.

3 Master may exercise certain powers of the Court

This section repealed s 26I(5) of the principal Act.

4 Review of, or appeals against, decisions of Masters

Section 26P of the principal Act (as inserted by section 5 of the Judicature Amendment Act 1986) is amended by repealing subsection (1), and substituting the following subsections:

- (1) Any party to any proceedings who is affected by any order or decision made by a Master in Chambers may apply to the Court to review that order or decision and, where a party so applies in accordance with the High Court Rules, the Court—
 - (a) Must review the order or decision in accordance with the High Court Rules; and
 - (b) May make such order as may be just.
- (1A) Rules made under section 51C may contain provisions—
 - (a) Specifying the nature and extent of reviews or of classes of reviews under subsection (1);
 - (b) Regulating the procedure for hearing applications or classes of applications under subsection (1).

5 New sections substituted

This section substituted ss 58 to 58B, inserted ss 58C58G, substituted ss 59 and 60, and repealed s 60A of the principal Act.

6 Consequential amendments

The following enactments are consequentially repealed:

- (a) Section 7 of the Judicature Amendment Act 1977:
- (b) Sections 8 and 9(3) of the Judicature Amendment Act 1979:
- (c) Section 4 of the Judicature Amendment Act 1981:

(d) Section 6 of the Judicature Amendment Act 1991.

7 Incidental orders and directions may be made and given by 1 Judge

(a) This paragraph amended s 61A(2) of the principal Act.

(b) This paragraph amended s 61A(4) of the principal Act.

8 Transfer of civil proceedings from High Court to Court of Appeal

This section substituted s 64 of the principal Act.

9 Criminal Appeal Rules 1946

If any question arises as to the validity of the Criminal Appeal Rules 1946 as a result of the enactment of section 23 of the Crimes Amendment Act (No 2) 1980, the rules are to be treated as if they had been made under section 51C of the principal Act (as substituted by section 4 of the Judicature Amendment Act (No 2) 1985) and as if that section 51C had been in force when section 23 came into force.

Eprint notes**1 *General***

This is an eprint of the Judicature Amendment Act 1998 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Senior Courts Act 2016 (2016 No 48): section 182